

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

METRIX TECHNOLOGIES, INC.)	
)	
Plaintiff)	
)	
v.)	Case No. AW 04cv1364
)	
JAY H. BEECHAM, <i>et al.</i>)	
)	
Defendants)	

DEFENDANTS' MOTION TO DISMISS
PURSUANT TO RULE 12(b)(6)

Come now the Defendants, JAY H. BEECHAM, MIRIAM BERTSCH and 3 SYNERGIES, INC. (collectively, "Defendants"), by their undersigned counsel, and respectfully submit their Motion to Dismiss Pursuant to Rule 12(b)(6) and, in support thereof, respectfully state as follows:

1. The Defendants have, contemporaneously with the filing of the instant Motion, filed a Memorandum of Law in support of this Motion, the substance of which is incorporated herein by reference.
2. For reasons set forth in detail in the associated Memorandum, the Defendants move to dismiss the Plaintiff's Complaint pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

THOMAS D. MURPHY, Atty. No. 01039

JAMES A. MOOD, JR., Atty. No. 11990
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Adams Law Center
31 Wood Lane
Rockville, Maryland 20850
301-424-0400
Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 2004, that a copy of the foregoing Motion was mailed by first class mail, postage prepaid, to the following:

Mitchell J. Rotbert, Esquire
John A. Bonello, Esquire
The Rotbert Law Group, LLC
111 Rockville Pike, Suite 400
Rockville, Maryland 20850
Attorney for Plaintiff

THOMAS D. MURPHY

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

METRIX TECHNOLOGIES, INC.)	
)	
Plaintiff)	
)	
v.)	Case No. AW 94CV1364
)	
JAY H. BEECHAM, <i>et al.</i>)	
)	
Defendants)	

ORDER

Upon consideration of the Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6), the Memorandum of Law in support thereof and any opposition thereto, it is thereupon on this _____ day of _____, 2004, by the United States District Court for the District of Maryland,

ORDERED, that Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6) be and the same is hereby GRANTED; and it is further,

ORDERED, that the Plaintiff's Complaint in this matter be and is hereby DISMISSED WITH PREJUDICE.

JUDGE, United States District Court for
the District of Maryland